

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MICHAEL T. SMITH,

Plaintiff,

v.

No.: 3:10-cv-262
(VARLAN/GUYTON)

SEVIER COUNTY SHERIFF'S OFFICE, et al.,

Defendants.

MEMORANDUM

This *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983 was transferred to this Court on June 16, 2010, from the U.S. District Court for the Western District of Virginia without service of process. That same day a letter was sent to plaintiff advising him of the new case number after the inter-district transfer. The letter, which was mailed to plaintiff at his last known address of Northwest Correctional Complex in Tiptonville, Tennessee,¹ was returned undelivered on June 25, 2010, with the notation "RTS - Inactive."

Plaintiff bears the burden of prosecuting his action, which includes informing the Court of his correct mailing address, and he has not done so. Accordingly, this action will be **DISMISSED WITH PREJUDICE** for plaintiff's failure to prosecute. Fed. R. Civ. P.

¹Although the docket sheet from the Western District of Virginia lists plaintiff's address as 16485 Canyon Drive Lot #9, Abingdon VA 24210, there is nothing in the record to indicate that is plaintiff's address. His complaint clearly states that he is confined in the Northwest Correctional Complex, and his application to proceed *in forma pauperis* bears a certificate from that facility. Nevertheless, out of an abundance of caution, the Clerk is **DIRECTED** to mail a copy of this Memorandum and accompanying Judgment Order to plaintiff at both locations.

41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE